

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LUIS RENTERIA,

No. C 09-05230 CW (PR)

Petitioner,

ORDER TO SHOW CAUSE AND
ADDRESSING PENDING MOTION

v.

A. HEDGEPEETH, Warden, et al.,

Respondents.

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the \$5.00 filing fee. It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the following orders:

1. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk shall also serve a copy of this Order on Petitioner at his current address.

2. Respondent shall file with this Court and serve upon Petitioner, within one-hundred twenty (120) days of the issuance of this Order, an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the Answer a copy of all portions of the relevant state records that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.

3. If Petitioner wishes to respond to the Answer, he shall do so by filing a Traverse with the Court and serving it on

1 Respondent within sixty (60) days of his receipt of the Answer.
2 Should Petitioner fail to do so, the petition will be deemed
3 submitted and ready for decision sixty (60) days after the date
4 Petitioner is served with Respondent's Answer.

5 4. Respondent may file with this Court and serve upon
6 Petitioner, within sixty (60) days of the issuance of this Order, a
7 motion to dismiss on procedural grounds in lieu of an Answer, as
8 set forth in the Advisory Committee Notes to Rule 4 of the Rules
9 Governing Section 2254 Cases. If Respondent files such a motion,
10 Petitioner shall file with the Court and serve on Respondent an
11 opposition or statement of non-opposition to the motion within
12 sixty (60) days of receipt of the motion, and Respondent shall file
13 with the Court and serve on Petitioner a reply within fifteen (15)
14 days of receipt of any opposition.

15 5. It is Petitioner's responsibility to prosecute this case.
16 Petitioner must keep the Court and Respondent informed of any
17 change of address and must comply with the Court's orders in a
18 timely fashion. Petitioner must also serve on Respondent's counsel
19 all communications with the Court by mailing a true copy of the
20 document to Respondent's counsel.

21 6. Extensions of time are not favored, though reasonable
22 extensions will be granted. Any motion for an extension of time
23 must be filed no later than ten (10) days prior to the deadline
24 sought to be extended.

25 7. Petitioner's "Motion for Consolidation of This Case with
26 Case No. CV-09-2795 CW (PR) - Woodham v. Hedgepeth" (docket no. 4)
27 is DENIED.
28

1 8. This Order terminates Docket no. 4.

2 IT IS SO ORDERED.

3 Dated: 4/20/2010



CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 LUIS RENTERIA,

5 Plaintiff,

6 v.

7 A. HEDGEPEETH et al,

8 Defendant.

Case Number: CV09-05230 CW

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on April 20, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
13 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
14 receptacle located in the Clerk's office.

15 Luis Renteria E-75707
16 Salinas Valley State Prison
17 P.O. Box 1050
18 Soledad, CA 93960-1050

19 Warden
20 Salinas Valley State Prison
21 P.O. Box 1050
22 Soledad, CA 93960-1050

23 U. S. Attorney General
24 State of California
25 450 Golden Gate Ave., Suite 11000
26 San Francisco, CA 94102

27 Dated: April 20, 2010

28 Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk